

BILL ANALYSIS

C.S.H.B. 4378
By: Rose
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires Texas health and human services agencies to submit over 500 reports, not including reports required by state budget riders or federal funding agencies. There is no process to evaluate the ongoing usefulness or effectiveness of these reports. Some reports are required even though the related programs or funds have been abolished, and other reports may no longer be needed due to subsequent reporting requirements or changes in programs and services. C.S.H.B. 4378 establishes a process for the review of health and human services reporting requirements and for recommending the repeal or amendment of statutes requiring such reports.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4378 amends the Government Code to add a temporary provision set to expire September 1, 2012, requiring the executive commissioner of the Health and Human Services Commission, not later than December 1, 2009, to: examine the health and human services agency reporting requirements established by a state statute enacted before January 1, 2007, and not amended since that date, and identify each reporting requirement that the executive commissioner determines is not necessary to accomplish the objectives of the statute that contains the reporting requirements, is redundant of other statutory reporting requirements, or is required under statute to be provided at a frequency for which data is not available; provide to the governor, the lieutenant governor, the speaker of the house of representatives, the chairs of the Senate Health and Human Services Committee, House Human Services Committee, and House Public Health Committee, or those committees' successors, the state auditor's office, the Legislative Budget Board, the Texas State Library and Archives Commission, and the Sunset Advisory Commission an initial report that includes each statutory reporting requirement for which the executive commissioner made a determination and the justification for the executive commissioner's determination for each reporting requirement; publish a copy of the initial report in the Texas Register; and post a copy of the initial report on the commission's Internet website.

C.S.H.B. 4378 requires the executive commissioner, not later than the 60th day after the date the executive commissioner issues the initial report, to hold a public hearing on the report. The bill prohibits the executive commissioner from including in the initial report a reporting requirement that is required by federal law or applies to another state agency in addition to a health and human services agency. The bill authorizes the individuals and entities to which the initial report is submitted and any other person to submit to the executive commissioner any comments on the reporting requirements identified by the executive commissioner, including comments indicating the person believes a specific reporting requirement is necessary and should continue to be required by statute.

C.S.H.B. 4378 requires the executive commissioner, not later than May 1, 2010, and after considering comments provided to issue a final report listing the reporting requirements for which a determination was made under the initial report's criteria, to provide the final report to the same individuals and entities that received the initial report, and to publish in the Texas Register and post on the commission's Internet website a list of each statutory reporting requirement for which the executive commissioner made a determination.

C.S.H.B. 4378 specifies that for each reporting requirement included in the final report, it is the intent of the 81st Legislature that the 82nd Legislature consider repealing the reporting requirement or amending a statute to decrease the frequency of the reporting requirement.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 4378 differs from the original in nonsubstantive ways by using language reflective of certain bill drafting conventions.

C.S.H.B. 4378 differs from the original by omitting provisions included in the original that abolish, effective February 1, 2010, each report required of a health and human services agency under a state law before the effective date of the bill if the governor, lieutenant governor, speaker of the house of representatives, and the presiding officers of the Senate Health and Human Services Committee, House Human Services Committee, and House Public Health Committee or their successors determine that the report is no longer required to accomplish the objectives of the statute under which it is required or redundant of other statutory reporting requirements. The substitute also omits provisions conforming to the automatic abolition provision.

C.S.H.B. 4378 differs from the original by removing the exemption from consideration for a report required of a health and human services agency for the implementation of a duty prescribed under a state law with an effective date on or after the effective date of the bill.

C.S.H.B. 4378 differs from the original by including the Sunset Advisory Commission among the individuals and entities to which the executive commissioner is required to submit recommendations and specifying that the health and human services agency reporting requirements to be examined by the executive commissioner are requirements established by a state statute enacted before January 1, 2007, and not amended since that date. The substitute differs from the original by including provisions relating to the executive commissioner's initial report, the public hearing on the report, and comments on the reporting requirements identified by the executive commissioner.

C.S.H.B. 4378 differs from the original by including provisions relating to the executive commissioner's final report and establishing the 81st Legislature's intent for the 82nd Legislature.

C.S.H.B. 4378 adds a provision not in the original to make its provisions temporary and changes the effective date provision.